In the High Court of Uttaranchal at Nainital.

Writ Petition No. 441 (S/S) of 2004

Harish Chandra Arya S/o Madho Ram
R/o Tehsil Road, Bageshwar District Bageshwar ….Petitioner.

Vs.

Regional Manager (Kumaun Region)
Uttaranchal Van Vikas Nigam, Kusum Khera
Haldwani District Nainital …….Respondents.

Hon'ble Irshad Hussain, J.

This petition under Article 226 of the Constitution of India has been filed with the prayer to issue a writ, direction or order in the nature of mandamus directing the respondent to complete the disciplinary inquiry pending against the petitioner and pass a final order within a period of one month in accordance with law.

2- Heard Sri B.D.Upadhyaya learned counsel for the petitioner and Ms. Seema Sirohi in brief for Sri V.K.Bisht learned counsel for the respondent and perused the record.

3- The petitioner was working as Logging Assistant in the year 2000 and was posted at Bageshwar. There was some complaint against his work and conduct whereupon disciplinary proceedings were initiated. He was put under suspension on 20-9-2002 in contemplation of the departmental inquiry. Till date no final decision has been taken against him and he continued to be under suspension for such a long period which no doubt militate against the right of the employee to have the matter decided at the earliest and the government servant is not kept under suspension for a long period.

4- Considering this aspect of the case the petition is finally disposed of with the direction that the respondent-authority shall take final decision in the departmental inquiry within a period of one month form the date of the receipt of the copy of the order.

Dated: 30-4-2004 Sd/-
ISB